



**THE PRESIDENT IS NOT ABOVE THE LAW:
CONSTITUTIONAL PRINCIPLES SUPPORTING INDEPENDENT LAW ENFORCEMENT**

It is unconstitutional for the President to intervene in a specific DOJ investigation for self-interested or corrupt purposes.

While the President heads the Executive Branch, his actions are constrained by the Constitution and the laws passed by Congress. The President's claims that he can do whatever he wants with the Justice Department are incorrect. It is unlawful for the President to wield his power to influence the Russia investigation for corrupt or self-interested purposes.

The Take Care Clause places concrete limitations on White House involvement in specific-party enforcement matters.

Article II of the Constitution requires the President to “*take Care that the Laws be faithfully executed.*” The President must act faithfully, in keeping with his Oath of Office, to “preserve, protect, and defend the Constitution” to the best of his ability. He may not act for corrupt or self-interested reasons. And he must enforce the laws Congress has enacted, not subvert those laws. While he may shape general enforcement priorities, he may not prevent the enforcement of the laws that Congress has enacted against himself or his allies.

The Bill of Rights enshrines additional constitutional principles that constrain the President's interactions with the Justice Department.

The First Amendment prohibits the White House from intervening in a specific-party matter in order to respond to political participation or discourage First Amendment protected activity. The Fifth Amendment requires the government to follow fair and neutral procedures, and precludes the White House from intervening in specific-party matters to direct prosecution of disfavored persons or groups or non-enforcement of the law against favored ones.

Presidential interference in the Russia investigation — whether through firing those running it, offering pardons to those involved in it, or other means — is obstruction of justice.

The President's office cannot absolve him of the consequences of his obstructing or otherwise interfering with law enforcement matters — whether in court or in congressional impeachment proceedings. The Constitution limits the President's ability to intervene in law enforcement matters involving specific parties — especially for self-interested reasons — and provides no defense for unlawful Presidential obstruction into the Russia investigation.